

determining, based on the personal information previously registered, whether  
10 prior approval of the consumer is required before accessing the consumer by a dealer who has  
purchased the market information;

*at  
could*  
seeking approval for access by the dealer from the consumer who registered the  
market information, when prior approval is required; and

acquiring personal information of the consumer necessary for the dealer to  
15 access the consumer, after said determining and, if required, the approval by the consumer has  
been obtained.

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### REMARKS

In the Office Action mailed October 25, 2000, the Examiner noted that claims 1, 3-12 and 14 were pending in the application and were rejected under 35 U.S.C. § 103(a). In rejecting the claims, U.S. Patent 5,794,207 to Walker et al. (Reference A in the October 25, 2000 Office Action) and an abstract of a dissertation by Wyman, entitled "A Model for Improving Consumer Acceptance of Telemarketing" (Reference U in the May 10, 2000 Office Action) were cited. Claims 1, 3-12 and 14 remain in the case. The Examiner's rejections are traversed below.

#### The Prior Art:

U.S. Patent 5,794,207 to Walker et al.

The Walker '207 patent is directed to a system designed to facilitate contracts between buyers and sellers based on conditional purchase offers by buyers. As illustrated in Figs. 1 and 5, a conditional purchase offer (CPO) 100 is generated when a buyer selects a subject of goods offered by sellers, such as an airline ticket, hotel room, rental car, insurance or mortgage; specifies the goods, conditions, expiration date and price, and supplies a buyer ID number prior to transmitting the CPO to central controller 200. As described at column 18, lines 15-43, the offers from buyers are displayed on a web page or forwarded to sellers according to criteria set by the sellers. This is represented in Fig. 1 by the transmission of conditional purchase offer 100 from central controller 200 to the three seller modems 350. In the example illustrated in Fig. 1, two of the sellers generate a response 110 which is transmitted to central